

**REMARKS**

**Pending Claims**

Claims 23-27, 30 and 31 are pending in the instant application and presented for the Examiner's review.

Claims 23-27 are allowed (see Office Action mailed June 2, 2003 at page 1). Claims 28 and 29 are amended herein.

Support for the amendments to claim 28 and 29 are found in the Specification generally and in the claims as originally filed.

Claims 28 and 30 are cancelled without prejudice to, or disclaimer of, the subject matter therein.

New claim 31 is added. Support for new claim 31 is found generally in the Specification and in particular at pages 66-68 of the Specification where the IL-5 inhibiting activity of the compounds according to the invention is demonstrated in whole blood samples.

**Information Disclosure Statement**

Applicant files herewith an Information Disclosure Statement, PTO-Form 1449, and MPEP 609D.

The MPEP 609D filed herewith contains (1) AMENDMENT filed May 9, 2003 in U.S.S.N 09/855,068, containing the claims as currently pending in U.S.S.N. 09/855,068; and (2) PCT International Search Report for PCT Appln. No. PCT/EP 98/04191, mailed November 17, 1998, which relates to this corresponding U.S. Application, filed herewith.

Applicant wishes to bring the claims as currently pending in U.S.S.N. 09/855,068 (Attorney Ref. JAB-1609) to the Examiner's attention because in U.S.S.N.

09/855,068 the Examiner provisionally rejected the claims as pending in U.S.S.N. 09/855,068 as being unpatentable over claims 1-7, 10 and 13-14 of the instant Application No. 09/891,888 (Office Action mailed June 20, 2002 in U.S.S.N. 09/855,068).

All of the references cited on the enclosed PCT International Search Report were previously cited to the Examiner's attention in the Information Disclosure Statement filed June 26, 2001 herein.

Rejection of Claim 28 under 35 U.S.C. § 112, second paragraph

The Examiner rejects claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for (1) reciting "paragraph a"; and (2) reciting "converting compound of formula I into each other following art known transformations." (See Office Action mailed June 2, 2003 at page 2). Applicant respectfully disagrees, but in the interest of expediting allowance, Applicant herewith cancels claim 28 without prejudice to, or disclaimer of, the subject matter therein.

Rejection of Claim 28 under 35 U.S.C. § 112, first paragraph

The Examiner also rejects claim 28 under 35 U.S.C. § 112, first paragraph, "because the specification, while being enabling for non-reactive variable groups that do not participate in the reaction, does not reasonably provide enablement for all reactive variables groups such as those recited below". (Office Action mailed June 2, 2003 at 3). Applicant respectfully disagrees with this rejection and the specification arguments made in the Office Action mailed June 2, 2003 at pages 2-6. However, in the interests of expediting allowance, Applicant herewith cancels claim 28 without prejudice to, or disclaimer of, the subject matter therein.

Rejection of Claim 29 under 35 U.S.C. § 112, first paragraph

The Examiner rejects claim 29 under 35 U.S.C. § 112, first paragraph "because the specification, while being enabling for treating bronchial asthma, atopic dermatitis, allergic-rhinitis or allergic conjunctivitis and treatment of related tumor and retinopathy, does not

reasonably provide enablement for any or all conditions / diseases including those yet to be discovered as due eosinophil-dependent inflammatory diseases.”

Applicant respectfully disagrees. However, in the interest of expediting allowance, without prejudice to or disclaimer thereof, Applicant has amended claim 29 to be commensurate in scope with the diseases which the Examiner finds enabled: bronchial asthma, atopic dermatitis, allergic-rhinitis or allergic conjunctivitis. Support for the amendment to claim 29 is found in the Specification generally and in particular at page 19 lines 9-18, and in claim 30. Claim 30 is cancelled without prejudice to or disclaimer of the subject matter therein.

New claim 31 is added. The Examiner is referred to pages 66-68 of the Specification where the IL-5 inhibiting activity of the compounds according to the invention is demonstrated in whole blood samples. For this as well as similar assays, it is well established that the *in vitro* results are indicative for the potential these compounds have *in vivo*, see for example Minnicozzi, Michael, Expert Opin. Ther. Pat. (1999), 9(2), 147-156 (copy enclosed).

**Conclusion**

Accordingly, Applicants respectfully request that a timely Notice of Allowance of claims 23-27, 30 and 31 be issued in this case. The Examiner is cordially invited to contact the undersigned with any questions regarding this application.

No fee is believed due with this Amendment. Authorization is hereby given to charge any required fees to Johnson & Johnson Deposit Account No. 10-0750/JAB-1626/AGK.

No new matter has been added. Entry of this Amendment is therefore requested at this time.

Respectfully submitted,

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